

1 **14-971. Enticement of a child; essential elements.** ¹

2 For you to find the defendant guilty of enticement of a child [as charged in Count
3 _____] ², the state must prove to your satisfaction beyond a reasonable doubt each of the
4 following elements of the crime:

5 1. The defendant ³
6 [(enticed) ³ (persuaded) (attempted to persuade) _____ (*name of child*) to
7 enter a _____ ⁴];

8 [OR]

9 [had possession of _____ (*name of child*) in a _____ ⁴];

10 2. The defendant intended to commit the crime or crimes of _____ ⁵;

11 3. _____ (*name of child*) was less than 16 years old;

12 4. This happened in New Mexico on or about the ____ day of _____, _____.

13

14 USE NOTES

15 1. This instruction sets forth, in the alternative, the two types of enticement of a child
16 set forth in Section 30-9-1 NMSA 1978.

17 2. Insert the count number if more than one count is charged.

18 3. Use only the applicable alternatives.

19 4. Use applicable term or terms: vehicle; building; room; secluded place.

20 5. Identify the crime or crimes the defendant intended to commit and give the essential
21 elements, unless they are covered in an essential elements instruction for the substantive offense.

22 To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.

1 [As amended by Supreme Court Order No. 21-8300-025, effective for all cases pending or filed
2 on or after December 31, 2021.]

3 **Committee commentary.** — See Section 30-9-1 NMSA 1978; misdemeanor.

4 This instruction sets forth the two ways in which the offense of enticement of a child may
5 be committed. It should be noted that the defendant must intend the substantive sexual offense
6 underlying the enticement.